

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

M. EAGLES TOOL WAREHOUSE,
INC., d/b/a/ S&G TOOL AID CORP.,

Plaintiff,

v.

FISHER TOOLING COMPANY, INC.,
d/b/a ASTRO PNEUMATIC TOOL
COMPANY AND STEPHEN FISHER,

Defendants.

Civil Action No. 97-1568 - (JAG)

ORDER

FISHER TOOLING COMPANY, INC.,
d/b/a ASTRO PNEUMATIC TOOL
COMPANY AND STEPHEN FISHER,

Counterclaimant,

v.

M. EAGLES TOOL WAREHOUSE,
INC., d/b/a S&G TOOL AID CORP.,

Counterclaim Defendants.

GREENAWAY, JR., U.S.D.J.

This matter having come before this Court on the motion for partial summary judgment, pursuant to FED. R. CIV. P. 56(c), by Defendant/Counterclaimant Fisher Tooling Company, Inc., doing business as Astro Pneumatic Tool Company ("Astro"), and the motion to supplement its previously submitted expert reports of Melvin Lindner, by Plaintiff/Counterclaim Defendant M. Eagles Tool Warehouse, Inc., doing business as S&G Tool Aid Corp ("S&G"); and it appearing

that this Court reviewed the parties' submissions and oral arguments; and for the reasons set forth in the accompanying Opinion, and good cause appearing,

IT IS on this 30th day of March, 2007,

ORDERED that Defendant's motion for partial summary judgment (Docket Entry No. 186) is GRANTED in part and DENIED in part; and it is further

ORDERED that Defendant's motion for summary judgment on Plaintiff's declaratory judgment claim for invalidity is GRANTED; and it is further

ORDERED that United States Patent No. 5,259,914 is deemed valid for the purposes of the instant litigation; and it is further

ORDERED that Defendant's motion for summary judgment on Plaintiff's Lanham Act, state law unfair competition, New Jersey Trade Act, and tortious interference claims is GRANTED; and it is further

ORDERED that Defendant's motion for summary judgment on Plaintiff's abuse of process and patent misuse affirmative defenses is DENIED; and it is further

ORDERED that Plaintiff's motion to supplement its previously submitted expert reports of Melvin Lindner (Docket Entry No. 199) is DENIED; and it is further

ORDERED that a copy of this Order be served on the parties within seven (7) days of the entry of this Order.

s/ Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.